

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
WESTERN DIVISION

SANDRA NJOS,

*Plaintiff,*

vs.

ROCKFORD HEALTH SYSTEM, an Illinois  
not-for-profit Corporation, ROCKFORD  
MEMORIAL HOSPITAL, an Illinois  
not-for-profit Corporation, ROBERT ESCARZA,  
M.D., & RHONDA CASAVANT, R.N.  
*Defendants.*

NO. 07 C 50213

Judge Philip G. Reinhard  
Magistrate P. Michael Mahoney

**DEFENDANTS' MOTION TO COMPEL PLAINTIFF'S  
ANSWERS TO WRITTEN INTERROGATORIES AND PRODUCTION REQUESTS**

NOW COME the Defendants, ROCKFORD HEALTH SYSTEM, ROCKFORD MEMORIAL HOSPITAL, ROBERT ESCARZA, M.D., and RHONDA CASAVANT, R.N., by and through their attorneys, GUMMERSON & RAUSCH, LLC, and pursuant to Federal Rule of Civil Procedure 37(a)(3), move this Court to Compel the Plaintiff to Answer written interrogatories and production requests, and in support of this Motion state as follows:

1. The Plaintiff filed a Complaint at Law on October 30, 2007 alleging medical negligence against each of the Defendants.
2. On November 21, 2007 written interrogatories and requests for production of documents were served upon counsel for the Plaintiff. A copy of the proof of service is attached hereto and incorporated by reference herein as Exhibit A.
3. On March 17, 2008, counsel for the Defendants sent correspondence to counsel for the Plaintiff pursuant to Federal Rule of Civil Procedure 37 requesting compliance with the written discovery. A true and accurate copy of the correspondence

is attached hereto and incorporated by reference herein as Exhibit B.

4. On May 1, 2008, counsel for the Defendants sent a second letter to counsel for the Plaintiff requesting compliance with the written discovery requests pursuant to Federal Rule of Civil Procedure 37. A true and accurate copy of the correspondence is attached hereto and incorporated by reference herein as Exhibit C.

5. On May 29, 2008, counsel for the Defendant left a telephone message for the Plaintiff's attorney inquiring about the status of the written discovery responses.

6. To date the Defendant has not received any discovery responses from the Plaintiff.

7. Federal Rule of Civil Procedure 37(a)(3)(B) states:

A party seeking discovery may move for an order compelling an answer, designation, production, or inspection. This motion may be made if:...

(iii) a party fails to answer an interrogatory submitted under Rule 33; or

(iv) a party fails to respond that inspection will be permitted – or fails to permit inspection – as requested under Rule 34.

8. The Defendant has made a good faith effort to resolve this matter without Court action.

9. Federal Rule of Civil Procedure 37(a)(5)(A) states:

If the motion is granted – or if the disclosure or requested discovery is provided after the motion was filed – the court **must**, after giving an opportunity to be heard, require the party or deponent whose conduct necessitated the motion, the party or attorney advising that conduct, or both to pay the movant's reasonable expenses incurred in making the motion, including attorney's fees. But the court must not order this payment if:

(i) the movant filed the motion before attempting in good faith to obtain the disclosure or discovery without court action;

(ii) the opposing party's nondisclosure, response or objection was substantially justified; or

(iii) other circumstances make an award of expenses unjust.

WHEREFORE, the Defendants, ROCKFORD HEALTH SYSTEM, ROCKFORD MEMORIAL HOSPITAL, ROBERT ESCARZA, M.D., and RHONDA CASANT, R.N., respectfully move this Court to grant the following relief:

A. To order the Plaintiff to answer written interrogatories and production requests within 10 days;

B. To order the Plaintiff to pay the Defendants' expenses, including attorney's fees in pursuing this motion.

GUMMERSON & RAUSCH, LLC

/s/ Tom E. Rausch

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